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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BAREFORD, KATHERINE A

ART UNIT

PAPER NUMBER

1762

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,387

Applicant(s)

DUBARRE ET AL.

Examiner

Katherine A. Bareford

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4,5,10,11,13,16, 19-22, 24-27 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 6-9,12,14,15,23 and 28-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

Claims 2-3 and 17-18 are canceled

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The amendment of July 16, 2003 has been received and entered.

Specification

2. The objection to the abstract of the disclosure to because of grammatical clarity is withdrawn due to applicant's amendments of July 16, 2003.

Claim Objections

3. Claims 6-9, 14-15, 23 and 28-30 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 1 and 16 (the independent claims) have been amended to indicate that "said metal strip is heated before, during and after application only through contact of the internal face with said heated support roller". See claim 1, last three lines and claim 16, last two lines. As this claim is worded, therefore, during the process there can be no other source of heating for the metal strip except the specific heated support roller of claims 1/16.

However, as worded in claims 6-8 and 23, molten polymer is provided to the substrate. This molten polymer would provide a second source of heat to the metal strip, since the heat of the polymer contacting the strip would transfer heat to the strip. Thus, these claims are not further limiting of the parent claims.

As to claim 9, the curing of the thermosetting material would provide another source of heat to the metal strip, and thus, the claim is not further limiting of the parent claims.

As to claims 14-15 and 28-30, these claims provide that for a second heating of the strip to apply the coating to the other side of the strip. Thus, these claims are not further limiting of the parent claims.

4. Claim 12 objected to because of the following informalities: it appears that claim 12 should actually depend from claim 4, which provides the support for "the applicator roller". Appropriate correction is required.

5. The Examiner notes that in claim 16, line 2, "Be" was not deleted. Did applicant intend to delete the term on this line, as it was deleted from all other claims?

Claim Rejections - 35 USC § 112

6. The rejection of claims 16-30 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn due to applicant's amendments on July 16, 2003 to claim 16 (to make the claim independent) and claim 22 (to use the term "belt").

Claim Rejections - 35 USC § 101

7. The rejection of claims 16-30 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter is withdrawn due to applicant's amendment to claim 16 on July 16, 2003 to make the claim independent.

Claim Rejections - 35 USC § 102

8. The rejection of claims 1, 2, 4, 10, 16, 17, 19, 23, 24 and 26 under 35 U.S.C. 102(b) as being anticipated by Japan 02-241737 (hereinafter '737) is withdrawn due to applicant's amendments of July 16, 2003.

Claim Rejections - 35 USC § 103

9. The rejection of claims 5-7 under 35 U.S.C. 103(a) as being unpatentable over Japan 02-241737 (hereinafter '737)) is withdrawn due to applicant's amendments of July 16, 2003.

10. The rejection of claims 3, 11, 13-15, 18 and 27-29 under 35 U.S.C. 103(a) as being unpatentable over '737 as applied to claims 1, 2, 4, 10, 16, 17, 19, 23, 24 and 26 above, and further in view of Japan 06-079801 (hereinafter '801)) is withdrawn due to applicant's amendments of July 16, 2003.

11. The rejection of claims 6 and 8-9 under 35 U.S.C. 103(a) as being unpatentable over '737 as applied to claims 1, 2, 4, 10, 16, 17, 19, 23, 24 and 26 above, and further in view of McIntyre (US 4871593)) is withdrawn due to applicant's amendments of July 16, 2003.

12. The rejection of claims 12, 20-22 and 25 under 35 U.S.C. 103(a) as being unpatentable over '737 as applied to claims 1, 2, 4, 10, 16, 17, 19, 23, 24 and 26 above, and further in view of Fujii et al (US 5658514)) is withdrawn due to applicant's amendments of July 16, 2003.

13. The rejection of claim 30 under 35 U.S.C. 103(a) as being unpatentable over '737 in view of '801 as applied to claims 3, 11, 13-15, 18, and 27-29above, and further in view of Fujii et al (US 5658514)) is withdrawn due to applicant's amendments of July 16, 2003.

14. The Examiner notes Innes et al (US 5622562) which provides a method of continuously coating a metal strip with a polymer composition where the metal strip is unwound around a heated support roller and then passed between an application means and the support roller, where the metal strip is heated before, during and after application with the heated support roller. See the abstract and column 5, lines 15-25.

Allowable Subject Matter

15. Claims 1, 4, 5, 10, 11, 13, 16, 19-22, 24-27 are allowable as worded over the prior art of record.

The prior art of record does not teach or suggest the method or apparatus for continuously coating a metal strip as claimed where the metal strip is heated before, during and

after application only through contact of the internal face of the strip with the heated support roller.

Response to Arguments

16. In response to applicant's amendments and arguments of July 16, 2003, the rejections to the claims have been withdrawn. However, as discussed in the *Claim Objections* section above, the amendment caused new claim objections to be raised.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (703) 308-0078. The examiner can normally be reached on M-F(7:00-4:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


KATHERINE A. BAREFORD
PRIMARY EXAMINER
GROUP 1100-1700